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<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. 7265	
Applicant(s): Thomas J. Skierski & Thomas L. Cope				
Application No. 10/811,094	Filing Date March 26, 2004	Examiner	Customer No.	Group Art Unit 2877

Invention:

**METHOD OF VERIFYING COLOR AND STRENGTH  
PROPERTIES OF BATCHES OF WOOD STAINS**

I hereby certify that the following correspondence:

a Transmittal of Information Disclosure Statement (under 37 CFR 1.97(b) or (c)) (in duplicate), an Information Disclosure Statement and Form PTO 1449 with copies of the 5 articles cited

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

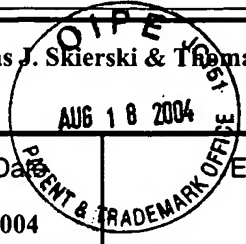
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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
7265

In Re Application Of: Thomas J. Skierski & Thomas L. Cope



Application No. 10/811,094	Filing Date 3/26/2004	Examiner	Customer No.	Group Art Unit 2877	Confirmation No.
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Title: **METHOD OF VERIFYING COLOR AND STRENGTH PROPERTIES OF BATCHES OF WOOD STAINS**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
7265

In Re Application: Thomas J. Skierski & Thomas L. Cope

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/811,094	3/26/2004			2877	

Title: METHOD OF VERIFYING COLOR AND STRENGTH PROPERTIES OF BATCHES OF WOOD

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-2025 as described below.
- ☐ Charge the amount of \_\_\_\_\_
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Signature

Dated: 8/18/2004

Vivien Y. Tsang, Esq.  
The Sherwin-Williams Company  
11 Midland Bldg. - Legal Dept.  
101 Prospect Ave., NW  
Cleveland, OH 44115

Reg. #40,209 - Phone 216/566-2487

cc:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of \_\_\_\_\_

Inventor(s) \_\_\_\_\_

for \_\_\_\_\_

Title of invention \_\_\_\_\_

the specification of which is being transmitted herewith

OR

In re application of: Thomas J. Skierski &amp; Thomas L. Cope

Application No.: 0 10 / 811,094 Group No.: 2877

Filed: Mar. 26, 2004

Examiner:

For: METHOD OF VERIFYING COLOR AND STRENGTH  
PROPERTIES OF BATCHES OF WOOD STAINSAssistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996. 60 Fed. Reg. 55,439, at 55,442.

(Information Disclosure Statement [8-1]—page 1 of 4)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
  - (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
  - (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."
- 37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☐ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections

, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type name of inventor who is signing)

- (c) ☐ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).  
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
☐ in the practitioner's file.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Vivien Y. Tsang

\_\_\_\_\_  
(type or print name of practitioner)

Reg. No.: 40,209

Tel. No.: (216) 566-2487

Customer No.:

The Sherwin-Williams Company  
P.O. Address 11 Midland Bldg. legal dept.  
101 Prospect Ave., NW  
Cleveland, OH 44115  
\_\_\_\_\_

**OIPF**  
**AUG 18 2004**  
**PATENT & TRADEMARK OFFICE**

**INFORMATION DISCLOSURE CITATION**  
*(Use several sheets if necessary)*

ATTY DOCKET NO. <b>7265</b>	APPLICATION NO. <b>10/811,094</b>
APPLICANT(S) <b>Thomas J. Skierski &amp; Thomas L. Cope</b>	
FILING DATE <b>3/26/2004</b>	GROUP ART UNIT <b>2877</b>

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,368,864	02/13/1968	Gugerli	8	25	06/10/1963
	3,690,771	09/12/1972	Armstrong, Jr. et al.	356	176	04/07/1970
	4,887,217	12/12/1989	Sherman et al.	364	468	01/04/1985
	5,116,408	05/26/1992	Crozer	106	19	12/05/1990
	5,231,472	07/27/1993	Marcus et al.	356	402	09/16/1991

**U.S. PATENT APPLICATION PUBLICATIONS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		S. Upton Jenkins, Consultant to Hunter Associates Laboratory, Inc., Reston, VA, "Batch Color Correction by Trisitimulus Colorimeter", Modern Paint and Coatings, September 1980, pgs. 41-44
		Marshall M. Lib., Catholic University of America, "Color Technology", Chemical Engineering, August 12, 1968, pgs. 146-156
		A. B. J. Rodrigues, E. I. DuPont de Nemours & Company, Troy MI, USA, Fifth International Conference in Organic Coatings Science and Technology, Vol. 3 - Advances in Organic Coatings Science and Technology Series, "Theory & Implementation of Modern Techniques of Color Conception, Matching and Control", pgs. 271-282
		"The Kubelka-Munk Theory of Reflectance", pgs. 1-6

EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. <b>7265</b>	APPLICATION NO. <b>10/811,094</b>
	Thomas J. Skierski & Thomas L. Cope	
	FILING <b>3/26/2004</b>	GROUP ART <b>2877</b>

<b>U.S. PATENT DOCUMENTS</b>
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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6, 166, 814	12/26/2000	Pringle	356	445	09/30/1998
	6,362,885	03/26/2002	Osumi et al.	356	402	11/24/1999

<b>U.S. PATENT APPLICATION PUBLICATIONS</b>
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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

<b>FOREIGN PATENT DOCUMENTS</b>
---------------------------------

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
--

			Eugene Allen, " <i>Matrix Algebra for Colorimetrists</i> ", 6 pgs.

EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.